

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 ISRAEL MALDONADO RAMIREZ,
12 Plaintiff,
13 v.
14 FRANCISCO, et al.,
15 Defendants.
16

Case No. 1:23-cv-0162 JLT HBK (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL
(Doc. 6)

17 Israel Maldonado Ramirez, a prisoner, initiated this action proceeding pro se by filing a
18 complaint and a motion to proceed *in forma pauperis* on February 2, 2023. (Docs. 1, 2.) In
19 conducting the required screening, the assigned magistrate judge found Plaintiff had filed at least
20 three cases that were dismissed, and which qualified as “strikes” under Ninth Circuit caselaw
21 before filing this action. Consequently, Plaintiff is subject to the three strikes bar under 28 U.S.C.
22 § 1915(g). (Doc. 6 at 5.) The magistrate judge also found the allegations in Plaintiff’s complaint
23 do not satisfy the “imminent danger of serious physical injury” exception to Section 1915(g),
24 even when liberally construing Plaintiff’s complaint. (*Id.* at 5-6.) Therefore, the magistrate judge
25 recommended Plaintiff be denied leave to proceed IFP in this action. (*Id.* at 6.)

26 The Court served the Findings and Recommendations were served on Plaintiff, and it
27 notified that any objections were due within 14 days of the date of service. (Doc. 6 at 6.)
28 Plaintiff filed an untimely response on April 3, 2023, which he entitled an “affidavit with points

1 and authorities...” (Doc. 7.) However, Plaintiff does not address the findings of the magistrate
2 judge that he is subject to the three strikes bar, and he does not identify any facts—either in his
3 complaint or the affidavit— to support a conclusion that he is in imminent danger of serious
4 physical injury. (*See id.*)

5 According to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court
6 conducted a *de novo* review of this case. Having carefully reviewed the entire file, including
7 Plaintiff’s affidavit, the Court concludes the Findings and Recommendations are supported by the
8 record and proper analysis. Thus, Court **ORDERS**:

- 9 1. The Findings and Recommendations issued on March 2, 2023 (Doc. 6), are
10 **ADOPTED** in full.
- 11 2. Plaintiff’s motion to proceed *in forma pauperis* (Doc. 2) is **DENIED**.
- 12 3. Within 30 days from the date of service of this order, Plaintiff **SHALL** pay in full
13 the \$402.00 filing fee if he wishes to proceed with his action.
- 14 4. Plaintiff is advised that failure to pay the required filing fee as ordered will result
15 in the dismissal of this action without prejudice.

16
17 IT IS SO ORDERED.

18 Dated: **April 11, 2023**


UNITED STATES DISTRICT JUDGE